IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8900 OF 2003

Shrimant P. Koli .. Petitioner

vs.

State of Maharashtra & Ors. .. Respondents

R.K.Mendadkar with Ms. Helen Koli Mandlik,Advocate for the Petitioner.

Mr.C.R.Sonawane, AGP for Respondent Nos.1,2 and 4.

Mr.Nitin Jamdar, Advocate for the Respondent No.3.

CORAM : F.I.REBELLO &
S.P.KUKDAY, JJ.

DATED : 9th February, 2005.

P.C. :

1. The Tribe Claim of the Petitioner was considered by the Committee and the same has been rejected. Amongst the documents considered by the Committee was the Petitioners own School Certificate, where she was recorded as Hindu Koli. Uncle of the Petitioner Shri Vishwanath Appa Saheb

Koli's primary school certificate of the year 1956 is recorded as Hindu Koli. The other documents relied upon by the Petitioner were of the period subsequent to the notification. All documents relied upon by the Comittee were made available to the Petitioner and she was given opportunity of furnishing her explanation. The tribal characteristics were then examined. On considering the characteristics, the Committee found that the petitioner was not aware of the culture, customs and traditions of the tribe claimed. Neither the petitioner nor her father knew about Waghbaras, Gaonbaras, Padkiant phadki which are the peculiar systems among Mahadeo Koli.

2. The Counsel for the Petitioner contends that he has now obtained two certificates of the blood relatives of the Petitioner documents are of importance to show that they belong to Mahadeo Koli.

3. We are not impressed. When the petitioner's School Certificate itself shows her caste as Hindu Koli, that would be most relevant.

Apart from that she was unable to satisfy the committee on her tribe characteristics. As the Apex Court has repeated time in and time out tribe characteristics can never be forgotten wherever the tribal may be.

. Apart from that we find that the order is of 1.2.1999. The petition has been filed only on 5.12.2003. Considering the rejection of her tribe claim has severe consequences, the very fact that the petitioner did not pursue the matter will speak for itself.

. For all the aforesaid reasons this will not be a fit case for this Court to interfere in the exercise of its extra ordinary jurisdiction. Petition dismissed.

(F.I.Rebello, J.)

(S.P.Kukday, J.)